

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

JOHN BARBER,

No. C 08-01526 SBA (PR)

Plaintiff,

**ORDER OF TRANSFER**

v.

EUGENE WARFIELD, et al.,

Defendants.

Plaintiff, a state prisoner, has filed a pro se civil rights action pursuant to 42 U.S.C. § 1983.

When jurisdiction is not founded solely on diversity, venue is proper in the district in which (1) any defendant resides, if all of the defendants reside in the same State, (2) the district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of property that is the subject of the action is situated, or (3) a judicial district in which any defendant may be found, if there is no district in which the action may otherwise be brought. See 28 U.S.C. § 1391(b).

The acts complained of occurred at the Desert View Modified Community Correctional Facility, which is located in the Eastern Division of the Central District of California, and it appears that Defendants reside in that district. Venue, therefore, properly lies in that district and not in this one. See id.

Accordingly, in the interest of justice and pursuant to 28 U.S.C. § 1406(a), this action is TRANSFERRED to the Eastern Division of the United States District Court for the Central District of California. The Clerk of the Court shall transfer the case forthwith.

IT IS SO ORDERED.

DATED: 5/27/08

  
SAUNDRA BROWN ARMSTRONG  
United States District Judge

UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

JOHN BARBER,

Plaintiff,

v.

EUGENE WARFIELD et al,

Defendant.

Case Number: CV08-01526 SBA

**CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on May 28, 2008, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

John Barber 0503340152  
W.V.D.C. #5-D-8  
9500 N. Etiwanda Ave.  
Rancho Cucamonga, CA 91739

Dated: May 28, 2008

Richard W. Wieking, Clerk  
By: LISA R CLARK, Deputy Clerk